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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,296	06/24/2003	Richard James Humpleman	SAMI.PAU.14.C	2879
23386 7590 06/07/2007 MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612			EXAMINER LEE, PHILIP C	
			ART UNIT 2152	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,296

Applicant(s)

HUMPLEMAN ET AL.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:6/24/03,10/18/04,3/7/05,9/26/05,10/14/05,3/20/06,4/20/06,6/21/06,9/6/06.

DETAILED ACTION

1. Claims 9-36 are presented for examination and claims 1-8 are canceled.
2. Claims 14 (line 4) and 27 (line 5) are objected to because of the following typographical or grammatical error. “a link to graphical *to* textual information”; Claims 20 and 21, line 2, “the network” should have been “the *home* network”; Claim 31, line 1, “The system of claim 20” should have been “The *method* of claim 20”; Claim 32, line 1, “The system of claim 31” should have been “The *method* of claim 31”.

Claim Rejections – 35 USC 112

3. Claims 13-19 and 26-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
 - i. said menu – claims 13 and 26;
 - ii. the step of creating the menu – claim 14;
 - iii. the step of displaying said menu – claim 14;
 - iv. the menu – claim 27;
 - v. the menu generator – claims 27, 29-30 and 31;
 - vi. the browser – claim 27;

- vii. the device link page – claim 31;
 - viii. the device link file – claim 31;
 - ix. the active status – claim 33.
- b. Claim language in the following claims is not clearly understood:
- x. As per claim 13, lines 1-2, it is unclear if “a web page” refers to “a web page” in claim 9, line 5 (if they are the same, then such should be indicated by use of the word –said--).
 - xi. As per claim 15, lines 1-2, it is unclear if “a web page” refers to “a web page” in claim 9, line 5 (if they are the same, then such should be indicated by use of the word –said--).
 - xii. As per claim 18, line 3, it is unclear if “a logical device name” refers to “a logical device name” in claim 17, line 3 (if they are the same, then such should be indicated by use of the word –said--); Line 5, it is unclear if “a device control” refers to “said device control” in claim 16, line 5 (if they are the same, then such should be indicated by use of the word –said--).
 - xiii. As per claim 19, lines 1-2, it is unclear if “a web page” refers to “a web page” in claim 9, line 5 (if they are the same, then such should be indicated by use of the word –said--).
 - xiv. As per claim 26, lines 1-2, it has the same problem as claim 13 above.
 - xv. As per claim 28 (lines 1-2), it is unclear if “a web page” refers to “a web page” in claim 22, line 6 (if they are the same, then such should be indicated by use of the word –said--).

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xvi. As per claim 32, lines 1-2, it is unclear if “a web page” refers to “a web page” in claim 9, line 5 (if they are the same, then such should be indicated by use of the word –said--).

Claim Rejections – 35 USC 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 22-30 and 33-36 are rejected under 35 U.S.C. 101 because “A home network system” comprising a server device and a client device (i.e., software) does not include any functional structure of a system (i.e., an apparatus). An apparatus comprising software is considered as program per se, which is not one of the categories of statutory subject matter.

Claim Rejections – 35 USC 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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7. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 9-17, 22-30 and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

9. As per claim 9, Venkatraman teaches the invention as claimed for a server device (10, 50-52, fig. 2) to communicate with a client device (40, fig. 2) in a home network (fig. 2), comprising the steps of:

(a) sending device characteristic data in response to a first request signal generated by said client device (col. 6, lines 8-12; col. 7, lines 1-7) (sending web page 18, which includes device characteristic data in response to HTTP command);

(b) receiving a second request signal requesting a web page contained within said server device, wherein said second request signal is generated in response to said device characteristic data (col. 7, lines 5-17) (hyperlink selected by user causes HTTP command requesting other web page); and

(c) sending said web page in response to said second request signal (col. 7, lines 5-17) (directing browser to other web pages).

10. As per claim 22, Venkatraman teaches the invention as claimed comprising:
- a server device (10, 50-52, fig. 2);
 - a client device (40, fig. 2) connected to the server device via a home network (fig. 2); and
 - a control protocol for the server device to communicate with the client device (col. 6, lines 1-5) by:
 - sending device characteristic data in response to a first request signal generated by said client device (col. 6, lines 8-12; col. 7, lines 1-7) (sending web page 18, which includes device characteristic data in response to HTTP command);
 - receiving a second request signal requesting a web page contained within said server device, wherein said second request signal is generated in response to said device characteristic data (col. 7, lines 5-17) (hyperlink selected by user causes HTTP command requesting other web page); and
 - sending said web page in response to said second request signal (col. 7, lines 5-17) (directing browser to other web pages).
11. As per claims 10 and 23, Venkatraman teaches the invention as claimed in claims 9 and 22 above. Venkatraman further teach wherein:
- Step (a) further includes the steps of sending (by the server device) said device characteristic data to the client device (col. 6, lines 8-12; col. 7, lines 1-7);
 - step (b) further includes the steps of the client device receiving said device characteristic data and generating said second request signal in response to said device characteristic data (col. 7, lines 5-17); and

step (c) further includes the steps of sending (by the server device) the web page to the client device in response to said second request signal (col. 7, lines 5-17).

12. As per claims 11 and 24, Venkatraman teaches the invention as claimed in claims 9 and 22 above. Venkatraman further teach wherein the server device includes at least one controllable function (col. 8, lines 1-4).

13. As per claims 12 and 25, Venkatraman teaches the invention as claimed in claims 11 and 24 above. Venkatraman further teach creating a menu for selecting said server device to activate said controllable function (col. 3, lines 36-40); and displaying said menu on a browser based device (col. 6, lines 56-59).

14. As per claims 13 and 26, Venkatraman teaches the invention as claimed in claims 11 and 24 above. Venkatraman further teaches wherein said menu comprises a web page including at least one hypertext link to a web page contained within said server device (col. 3, lines 43-45).

15. As per claims 14 and 27, Venkatraman teaches the invention as claimed in claims 11 and 24 above. Venkatraman further teach the step of creating the menu further includes the steps of: (i) creating a device link page from the home network, wherein the device link page includes at least a device control that is associated with the server device (col. 3, lines 34-39, 43-45) (button or URL that causes command control to be sent to device to perform a function), and (ii) associating a hypertext link with each device control, wherein the hypertext link provides a link

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to graphical to textual information that is contained in the server device that is associated with the device control (col. 3, lines 43-45; col. 7, lines 5-17); and the steps of displaying said menu includes the steps of displaying said device link page (col. 6, lines 56-59).

16. As per claims 15 and 28, Venkatraman teaches the invention as claimed in claims 14 and 27 above. Venkatraman further teach said device link page comprises a web page or html page including at least one hypertext link to a web page or an html page contained within said server device (col. 3, lines 43-45).

17. As per claims 16 and 29, Venkatraman teaches the invention as claimed in claims 14 and 27 above. Venkatraman further teach generating a device link file, wherein the device link file identifies the server device (col. 6, lines 27-55); and creating the device link page including said device control associated with the server device identified in the device link file (col. 6, lines 56-62).

18. As per claims 17 and 30, Venkatraman teaches the invention as claimed in claims 16 and 29 above. Venkatraman further teach associating a logical device name with the server device (col. 6, line 39; col. 7, lines 1-4); and storing the logical device name in the device link file (col. 6, line 39; col. 7, lines 1-4).

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19. As per claim 34, Venkatraman teaches the invention as claimed in claim 25 above.

Venkatraman further teach the menu generator is a component of the client device (col. 6, lines 57-59).

20. As per claim 35, Venkatraman teaches the invention as claimed in claim 25 above.

Venkatraman further teach the browser is a component of the client device (col. 6, lines 57-59).

21. As per claim 36, Venkatraman teaches the invention as claimed in claim 25 above.

Venkatraman further teach the client device includes said browser based device (col. 6, lines 57-59) (client device including the browser).

Claim Rejections – 35 USC 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Venkatraman in view of Chang et al , U.S. Patent 5,974,449 (hereinafter Chang).

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24. As per claim 18, Venkatraman teaches the invention as claimed in claim 17 above.

Although Venkatraman further teach retrieving a logical device name from the device link file (col. 6, line 39, e.g., Printer Name>Portdv9); and storing the logical device name in the device link page (col. 6, lines 56-59) (retrieving the Printer Name from the HTML file in order to render the displayed web page with stored Printer name shown in 64, fig. 3), however, Venkatraman does not teach converting the logical device name to a device control. Chang teaches converting the logical device name to a device control (col. 8, line 49-col. 9, line 3) (converting server sf_cp to a “play” command: http://H/sf_cp.com/jdoe/play).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Chang because Chang’s teaching of converting the logical device name to a device control would allow a user in Venkatraman’s system to command a remote device over a network.

26. As per claim 19, Venkatraman and Chang teach the invention substantially as claimed in claim 18 above. Venkatraman further teach said device link page comprises a web page or html page including at least one hypertext link to a web page or an html page contained within said server device (col. 3, lines 43-45).

27. Claims 20, 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman in view of Armstrong et al , U.S. Patent 5,432,789 (hereinafter Armstrong).

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28. As per claim 20, Venkatraman teach the invention as claimed in claim 11 above.

Venkatraman does not teach detecting server device. Armstrong teaches the steps of detecting that the server device is currently connected to the network (abstract).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Armstrong because Armstrong's teaching of detecting server device would allow client device in Venkatraman's system to automatically determine the topology of the network with connected server devices.

30. As per claims 21 and 33, Venkatraman teach the invention as claimed in claims 11 and 22 above. Venkatraman does not teach detecting server device. Armstrong teaches the steps of detecting an active status of the server device currently connected to the network (abstract).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Armstrong because Armstrong's teaching of detecting server device would allow client device in Venkatraman's system to automatically determine the topology of the network with connected server devices.

32. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Armstrong in view of Chang.

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33. As per claim 31, Venkatraman and Armstrong teach the invention substantially as claimed in claim 20 above. Although Venkatraman further teach retrieving a logical device name from the device link file (col. 6, line 39, e.g., Printer Name>Portdv9); and storing the logical device name in the device link page (col. 6, lines 56-59) (retrieving the Printer Name from the HTML file in order to render the displayed web page with stored Printer name shown in 64, fig. 3), however, Venkatraman and Armstrong do not teach converting the logical device name to a device control. Chang teaches converting the logical device name to a device control (col. 8, line 49-col. 9, line 3) (converting server sf_cp to a “play” command: http://H/sf_cp.com/jdoe/play).

34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman, Armstrong and Chang because Chang’s teaching of converting the logical device name to a device control would allow a user in Venkatraman’s and Armstrong’s systems to command a remote device over a network.

35. As per claim 32, Venkatraman, Armstrong and Chang teach the invention substantially as claimed in claim 31 above. Venkatraman further teach said device link page comprises a web page or html page including at least one hypertext link to a web page or an html page contained within said server device (col. 3, lines 43-45).

CONCLUSION

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36. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

A handwritten signature in cursive script, appearing to read "Philip C Lee".